

FROM: RANDY MOSS

TO: COMMITTEE ON ENERGY AND COMMERCE

DATE: JUNE 19, 2008

RE: WRITTEN TESTIMONY

Thank you, Vice-Chairwoman Schakowsky, Ranking Member Whitfield, and Members of the Subcommittee.

My name is Randy Moss. I work as a horse racing analyst and reporter for ESPN and ABC Sports.

I'm not the football player. I also have never trained racehorses, have never ridden racehorses, and I have had no veterinary training. I have been asked to join today's discussion because I have been close to thoroughbred racing for 30 years, as a newspaper reporter, handicapper and freelance writer; through brief stints as a racetrack manager, jockey agent and publicist; and for the last decade in television.

Because of these positions, I have had extensive conversations with trainers, jockeys, owners, breeders, racing executives, racing administrators and veterinarians about a variety of issues, some of which are being discussed here. Just as importantly, I have a regular

dialogue with horseplayers, the bettors who are the lifeblood of horse racing but whose opinions are too often overlooked.

As a result of all this, I have developed plenty of my own opinions along the way that – for better or worse - I seldom hesitate to express.

For starters, one opinion is that thoroughbred racing occupies a unique position in sports - combining tradition, excitement, pageantry, the majesty of one of the world's most beautiful creatures, and, of course, gambling.

But in one respect, thoroughbred racing is no different than the NFL, NBA or major league baseball: each sport has problems and challenges that must be confronted head-on for that sport to thrive.

And thoroughbred racing has its share of issues. Some can be easily corrected and others can't. But this is no time for a head-in-sand approach.

The way I see it, the single biggest dilemma facing this sport is the haphazard and dysfunctional manner in which racing is scheduled and administrated.

Unlike other sports, racing has no “league office” with power to make decisions for the long-term best interests of the sport. Instead, racing rules and racing dates are set by politically-appointed racing

commissioners in each state, whose decisions are typically motivated by what they perceive to be best for that particular state and often are at odds with the best interests of the sport as a whole.

Imagine if the NFL were set up to permit each state to field as many pro teams as it wanted, play as many games as it wanted all year long, and set its own individual football rules with no enforceable league guidelines. In modern-day America, horse racing has always been set up in this fashion.

During the glory days of racing, when horse racing was practically the only outlet for legal gambling, it didn't matter. In that scenario, racing was almost impossible to screw up.

But now, racing faces intense competition for the gambling and entertainment dollar. At a time when the sport desperately needs a single-minded and consistent strategy in the marketplace, it has 38 racing states with 38 sets of rules and 38 different priorities. And that is a recipe for disaster.

Thoroughbred racing is cannibalizing itself. This Saturday alone racing will be conducted at Belmont Park on Long Island; at Charles Town and Mountaineer Park, both in West Virginia; at Delaware Park; at Colonial Downs in nearby Virginia; at Laurel Park just across

the border in Maryland; at Finger Lakes in upstate New York; at Monmouth Park in New Jersey; at Penn National, Philadelphia Park and Presque Isle Downs, all in Pennsylvania; and at Suffolk Downs in Massachusetts. And these are only the racetracks in the Northeast region of the country.

Incredibly, each track has determined that this type of scheduling is best for itself and its horsemen, even though these tracks are essentially competing for the same horses. There aren't enough good horses to go around, and thus the quality of racing at each track is cheapened, average field sizes in the best races are reduced, and consequently frustrated horseplayers bet less money.

At tracks such as Saratoga Race Course, Keeneland Race Course and Del Mar, the sport thrives on short boutique racing seasons that create a festival atmosphere and yearly anticipation. Unfortunately, too many other tracks are content to grind out a profit through quantity instead of quality, with endless cards of cheap races run for a dwindling fan base. Horsemen are complicit in this, as well, since they typically resist efforts to reduce racing dates, as do state racing commissioners, who are often reluctant to endorse less tax revenue today in exchange for a more positive long-range outlook.

Another effect of these extended racing seasons is the pressure it puts on horses, especially in areas of intense track-to-track competition such as the Northeast. In a struggle to fill races, racetracks are forced to pressure trainers to run horses more frequently than they might otherwise feel comfortable doing.

Thoroughbred racing in America is proof that there can indeed be too much of a good thing.

Racing's lack of a powerful central authority is also a primary reason for medication controversies currently engulfing the sport. In the 1970s, American horsemen began convincing state authorities that legalization of raceday medications would help them run horses more frequently in support of racetracks that were scheduling ever-longer racing seasons. Because longer racing seasons pitted tracks against each other in intense competition for horses, every state eventually conceded to the easing of medication restrictions so as not to be at a competitive disadvantage with other states. Thus America became the only racing country in the world to permit raceday use of drugs such as analgesic Butazolidin and diuretic Lasix, which lowers blood pressure and is believed by many to reduce the occurrence and

severity of the EIPH (exercise-induced pulmonary hemorrhaging) that hampers the breathing of some racehorses.

Included among accepted raceday medications were anabolic steroids such as Winstrol, which is still legal in 28 racing states. Steroids would eventually gain widespread use as an appetite stimulant and to help horses recover more quickly from the effects of exercise and put on muscle mass.

But well before the highly-publicized breakdowns of Barbaro and Eight Belles, many within the sport were becoming convinced that lax medication rules were having a negative rather than positive effect on American racing.

Despite the initial arguments that medication would enable horses to race more often, the opposite happened. From 1975 to 2007, average starts per horse per year dropped a staggering 62% - from 10.23 to an all-time low of 6.31 last year.

The vast majority of trainers now complain that their horses have become much more fragile. Potential explanations of this perceived increased fragility are numerous and complicated, including the possibilities that medication has weakened the gene pool and that

commercial breeding practices driven by the marketplace have shifted too much toward brilliance rather than durability.

At the same time, raceday use of Lasix has been allowed to spiral out of control – even though the drug is banned by the World Anti-Doping Agency because it is allegedly used to mask the presence of more powerful illegal stimulants. Of the 92 horses entered to run today at Belmont Park, 88 were designated to run on Lasix. This is not what was originally intended.

Now for the good news: the Racing Medication and Testing Consortium (RMTC) was founded in 2002 and under the guidance of Dr. Scot Waterman it has made great strides in medication reform and recommended penalties for drug offenders. Owners and trainers have become frustrated and confused at the different medication guidelines for various states, and they have gradually begun to embrace uniform rules suggestions developed by the RMTC, even though these rules are rolling back raceday medication use considerably. Now, according to Waterman, the primary difference between medication rules in the U.S. and Europe is in the use of Lasix and steroids. The RMTC is recommending strong restrictions on steroids, and many states are listening.

One of the holdups, as always, is funding. The RMTC needs continued – and additional – funding to continue its good work. The sport needs to find the revenue to consolidate its 18 testing laboratories and enhance testing procedures for items such as EPO, or Epogen, which is lesser-known by the public but is perceived to enhance performance much more than steroids.

Also, in the wake of the Eight Belles tragedy, the Thoroughbred Safety Committee was formed to tackle the tough issues regarding medication, breeding practices and track surfaces. The committee's initial recommendations issued Tuesday regarding steroids, safety whips and proper racing shoes have met with widespread praise, and more recommendations are to come. However, the lack of a central racing authority forces the Thoroughbred Safety Committee and other industry leaders to announce that they “support,” “strongly support,” “endorse,” “urge,” “encourage” and otherwise beg and plead for the various racing states to adopt the changes. The reason for this language is obvious: the sport has no power to “require” that changes be made. In the current industry framework, any state that wishes to thumb its nose at such recommendations is free to do so, with no official ramifications.



After the one-two punches of Barbaro in 2006 and this year's Kentucky Derby, mainstream media began a closer examination of thoroughbred racing. The public was concerned about the humaneness of the sport, and too often were appalled at what they were seeing. Racing can and must do better. But remember that these issues being debated existed long before the demise of Barbaro and Eight Belles, but the sport lacked a system as well as a desire to implement needed changes. The attention now being focused on these issues, by this committee as well as the public, now gives horse racing a rare opportunity to conquer its inefficiencies and pull together in a positive direction.

And along with the opportunity comes a sober responsibility: this is something the sport can ill afford to mess up.

Some conclusions:

- 1) Most in the sport have no desire for federal regulation of horse racing. But through whatever means it can be accomplished, thoroughbred racing desperately needs a strong central authority with regulatory power to make binding decisions

necessary for the short- and long-term best interests of the sport.

2) The explosion of racing dates must be reversed – and in some cases dramatically – perhaps through the formation of a league of world-class U.S. racetracks with coordinated racing dates, stakes schedules and simulcasting rates.

3) The use of Lasix as a raceday medication should be abolished.

At the very least, no horse that has ever competed with Lasix or any other race-day medication should be allowed to propagate as a sire or broodmare in order to restore the integrity of the thoroughbred genetic pool. In addition, all graded stakes races – the designation given to the country's premier stakes – should be run with no raceday medication.

4) The Thoroughbred Safety Committee's recommendations on steroids, whips and proper racing shoes should be immediately instituted.

5) Nationwide funding mechanisms must be instituted to: ensure the RMTC's continued beneficial research and recommendations, including development of additional post-race tests for illegal drugs; consolidate the country's 18

laboratories used for post-race testing into one or two “superlabs” with capabilities and resources to conduct testing for all prohibited substances; pay for enforcement of drug penalties, including legal costs associated with appeals.

- 6) The study of racetrack surfaces must continue to determine if synthetic surfaces actually reduce instances of catastrophic injury in thoroughbreds as compared to well-maintained dirt surfaces.
- 7) Rules should be instituted to hold veterinarians accountable in drug offenses as well as the trainers who employ them.
- 8) The U.S. should convene a summit with other major racing countries to develop regulations that could extend the careers of top racehorses, i.e., a rule requiring all sires or broodmares to be at least 5 years of age to conceive a registered thoroughbred racehorse.

